

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))
Information Associated With Particular)
Cellular Towers)
)

Case No. 22-860M(NJ)

WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

See Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B.

YOU ARE COMMANDED to execute this warrant on or before 3/14/22 (not to exceed 14 days)

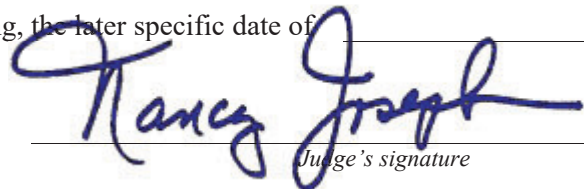
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Nancy Joseph, United States Magistrate Judge.
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 2/28/22 @ 4:00 p.m.


Judge's signature

City and state: Milwaukee, Wisconsin

Nancy Joseph, United States Magistrate Judge

Printed name and title

Return		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized:		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%;"> <p>Date: _____</p> </div> <div style="width: 65%;"> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Executing officer's signature</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Printed name and title</i></p> </div> </div>		

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the cellular antenna towers (“cell towers”) on the identified date(s) and timeframe(s), that are within the possession, custody, or control of the cellular service provider(s) identified below. The search should include all cell towers that service the below locations.*

<u>Location</u>	<u>Dates & Time (All Times in Central Time Zone)</u>
1408 South 79 th Street West Allis, WI	March 7, 2021 at 5:00 PM – March 7, 2021 at 8:00 PM
1408 South 79 th Street West Allis, WI	March 7, 2021 at 10:00 PM – March 8, 2021 at 9:58 AM
1408 South 79 th Street West Allis, WI	March 16, 2021 at 10:30 PM – March 17, 2021 at 8:30 AM
8726 West Mitchell Street West Allis, WI	October 28, 2021 at 9:00 PM – October 29, 2021 at 7:00 AM
8722 West Mitchell Street West Allis, WI	February 3, 2022 at 9:30 PM – February 4, 2022 at 7:00 AM
8722 West Mitchell Street West Allis, WI	February 22, 2022 at 6:00 PM – February 23, 2022 at 7:00 PM

****If a provider is unable to determine which towers provide service than a search distance of 1.0 miles should be applied.***

The following cellular service provider(s) are required to disclose information to the United States pursuant to this warrant:

- a. T-Mobile, a cellular service provider headquartered at 4 Sylvan Way, Parsippany, NJ;
- b. Verizon Wireless, a cellular service provider headquartered at 180 Washington Valley Road, Bedminster, NJ;
- c. AT&T, a cellular service provider headquartered at 11760 US Highway 1, Suite 600, North Palm Beach, FL;
- d. US Cellular, a cellular service provider headquartered at 8410 West Bryn Mawr Avenue, Suite 800, Chicago, IL; and
- e. Sprint, a cellular service provider headquartered at 6480 Sprint Parkway, Overland Park, KS.

ATTACHMENT B

Particular Things to be Seized

I. Information to be Disclosed by the Provider

For each cell tower in described in Attachment A, the cellular service providers identified in Attachment A are required to disclose to the United States records and other information (not including the contents of communications) about all communications made using the cellular tower(s) identified in Attachment A during the corresponding timeframe(s) listed in Attachment A, including records that identify:

- a. the telephone number and unique identifiers for each wireless that communicated with the cell towers, including Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identifiers (“IMSI”), and International Mobile Equipment Identities (“IMEI”);
- b. for each communication, the “sector(s)” (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device;
- c. the date, time, and duration of each communication;
- d. the type of the communication transmitted through the tower (such as phone call or text message); and
- e. per call measurement and timing advance data (PCMD, RTT, True Call, NELOS, or similar).

These records should include records about communications that were initiated before or terminated after the timeframe(s) identified in Attachment A if some part of the communication occurred during the relevant timeframe(s) listed in Attachment A.

II. Information to be Seized by the Government

All information described above in Section I that constitutes evidence of violations of Title 42, United States Code, Section 3631 (interference with housing rights) from March 1, 2021 to February 28, 2022.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate the things particularly described in this Warrant.

UNITED STATES DISTRICT COURT

for the
Eastern District of WisconsinIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Information Associated With Particular Cellular
Towers

Case No. 22-860M(NJ)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the _____ District of _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B. This court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A).

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
42 U.S.C. 3631Offense Description
interference with housing rights

The application is based on these facts:

See the attached affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Colleen Brennan, Special Agent (FBI)

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 41 by
_____ telephone _____ (specify reliable electronic means)

Date: 02/28/2022

City and state: Milwaukee, Wisconsin

Judge's signature

Nancy Joseph, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Colleen Brennan, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for records and information associated with certain cellular towers (“cell towers”) that is in the possession, custody, and/or control of the following “WIRELESS PROVIDERS”:

- a. T-Mobile, a cellular service provider headquartered at 4 Sylvan Way, Parsippany, NJ;
- b. Verizon Wireless, a cellular service provider headquartered at 180 Washington Valley Road, Bedminster, NJ;
- c. AT&T, a cellular service provider headquartered at 11760 US Highway 1, Suite 600, North Palm Beach, FL;
- d. US Cellular, a cellular service provider headquartered at 8410 West Bryn Mawr Avenue, Suite 800, Chicago, IL; and
- e. Sprint, a cellular service provider headquartered at 6480 Sprint Parkway, Overland Park, KS.

The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require WIRELESS PROVIDERS to disclose to the government copies of the information further described in Attachment B.

2. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since March 2019. I am currently assigned to an FBI squad which investigates civil rights crimes,

financial crimes, and public corruption crimes. During my tenure with the FBI, I have participated in investigations involving crimes committed against those based on biases, such as a victim's race, color, religion, or national origin. In addition, I have been part of investigations wherein a crime was committed against a victim based on bias, while that victim was engaged in a federally protected activity. I have received training specific to hate crimes investigations and the use of cellular records and information, including location information, associated with those investigations. Additionally, I have received training on how information from "tower dumps," as is requested in this affidavit, may be used to identify and locate subjects involved in criminal activity.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 42, United States Code, Section 3631 (interference with housing rights) have been committed. There is also probable cause to search the information described in Attachment A for evidence of these crimes as further described in Attachment B.

PROBABLE CAUSE

5. The FBI is investigating allegations of one or more unknown subject(s) for using force or threatening to use force to injure, intimidate, or interfere with five victims' housing rights because of their race, color, or national origin. The five victims, all within about a mile radius of each other in West Allis, Wisconsin, have received notes containing hateful or threatening

language referencing their race or national origin. The unidentified subject(s) also caused damaged to the victims' vehicles.

VICTIM 1

6. VICTIM 1 is African American and resides in an apartment complex located at 1408 South 79th Street, in West Allis, Wisconsin. On March 7, 2021, VICTIM 1 parked his/her vehicle on 79th Street in front of his/her apartment complex. On March 7, 2021, VICTIM 1 went out to his/her vehicle and saw all four tires of his/her vehicle had been slashed. Based on when VICTIM 1 last saw his/her vehicle on March 7, 2021 and when VICTIM 1 returned to his/her vehicle later in the evening on March 7, 2021, VICTIM 1 believed that all four tires of his/her vehicle could have been slashed between the hours of 5:00 p.m. and 8:00 p.m. on March 7, 2021.

7. On March 8, 2021, VICTIM 1 returned to his/her vehicle to find the vehicle's windshield had been broken. There was also a note sitting on the windshield. The note contained the following language, in all capital letters: "BETTER WATCH WHO THE FUCK YOU TALK SHIT TO UGLY FAT NIGGER BITCH! I KNOW WHERE YOU LIVE. IF I SEE YOU AGAIN, I'LL SLASH YOUR FUCKING THROAT. GET THE FUCK BACK TO THE NORTHSIDE WHERE YOU BELONG FUCKING NIGGER!" Based on when VICTIM 1 last saw his/her vehicle on March 7, 2021 and when VICTIM 1 returned to his/her vehicle on March 8, 2021, VICTIM 1 believed the note could have been left between the hours of 10:00 p.m. on March 7, 2021 and 9:58 a.m. on March 8, 2021.

8. On March 17, 2021, VICTIM 1 found another note on his/her vehicle. The vehicle was parked outside of his/her apartment complex on South 79th Street. The note contained the following language: "Your last warning to get the fuck outta my neighborhood before I slash your shit again. No problem with BLACK people. Only problems with ghetto punk NIGGERS like

you!” VICTIM 1’s front two tires were slashed again. Based on when VICTIM 1 last saw his/her vehicle on March 16, 2021 and when VICTIM 1 returned to his/her vehicle on March 17, 2021, VICTIM 1 believed the second note could have been left on his/her vehicle sometime between the hours of 10:30 p.m. on March 16, 2021 and 8:30 a.m. on March 17, 2021.

VICTIM 2 AND VICTIM 3

9. VICTIM 2 is Puerto Rican and resides in an apartment complex located at 8726 West Mitchell Street, West Allis, Wisconsin. VICTIM 2 has a son (VICTIM 3), who is African American. On the morning of October 29, 2021, VICTIM 2 found a note on his/her vehicle containing the following language: “I’m watching all you piece of shit niggers moving into MY neighborhood. Keep speeding + driving like the dumb disrespectful nigger you are + next time it will be your windshield nigger. Get the fuck back to the ghetto nigger northside + stay there. Take all your monkey friends + family too. That’s where you belong.” In addition to the note, two of VICTIM 2’s vehicle tires were flat. The rest of VICTIM 2’s vehicle was not damaged, but shards of broken glass were found around their vehicle. Based on when VICTIM 2 last saw his/her vehicle on October 28, 2021 and when VICTIM 2 returned to his/her vehicle on October 29, 2021, VICTIM 2 believed the note could have been left sometime between 9:00 p.m. on October 28, 2021 and 7:00 a.m. on October 29, 2021.

VICTIM 4 AND VICTIM 5

10. VICTIM 4 resides with his/her significant other VICTIM 5 in an apartment complex located at 8722 West Mitchell Street, West Allis, Wisconsin. VICTIM 4 and 5 are African American. On February 3, 2022, their vehicle was parked outside their apartment complex on West Mitchell Street. On February 4, 2022, VICTIM 5 started their vehicle and, while driving, noticed the two driver’s side tires were flat. VICTIM 5 pulled over near the intersection of West Greenfield

Avenue and South 84th Street in West Allis, Wisconsin. VICTIM 5 called VICTIM 4 and asked for help with the tires. VICTIM 4 and a friend of VICTIM 4's met VICTIM 5. VICTIM 4 thought the two flat tires appeared as if they had been stabbed. VICTIM 4's friend found a note on VICTIM 4 and VICTIM 5's driver's side windshield. The note contained the following language: "Get the fuck out of MY neighborhood NIGGER!" Based on when VICTIM 4 last left their vehicle on February 3, 2022, and when VICTIM 5 returned to their vehicle on February 4, 2022, VICTIM 4 and VICTIM 5 believed the note could have been left on their vehicle sometime between 9:30 p.m. on the night of February 3, 2022 and 7:00 a.m. on the morning of February 4, 2022.

11. On February 22, 2022 at approximately 6:00 p.m., VICTIM 4 and VICTIM 5 left their vehicle parked in front of their residence on 8722 West Mitchell Street, West Allis, Wisconsin. At approximately 7:00 p.m. on February 23, 2022, VICTIM 4 and VICTIM 5 returned to their vehicle and found that the driver's side window of their vehicle had been broken. Based on when VICTIM 4 and VICTIM 5 last saw their vehicle on February 22, 2022 and returned to their vehicle on February 23, 2022, VICTIM 4 and VICTIM 5 believed their window could have been broken sometime between 6:00 p.m. on February 22, 2022 and 7:00 p.m. on February 23, 2022.

TECHNICAL BACKGROUND

12. In my training and experience, I have learned that the WIRELESS PROVIDERS are companies that provide cellular communications service to the general public. In order to provide this service, many cellular service providers maintain antenna towers ("cell towers") that serve and provide cellular service to specific geographic areas. Each cell tower receives signals from wireless devices, such as cellular phones, in its general vicinity. By communicating with a cell tower, a wireless device can transmit and receive communications, such as phone calls, text

messages, and other data. When sending or receiving communications, a cellular device does not always utilize the cell tower that is closest to it.

13. Based on my training and experience, I also know that each cellular device is identified by one or more unique identifiers. For example, with respect to a cellular phone, the phone will be assigned both a telephone number and one or more additional identifiers such as an Electronic Serial Number (“ESN”), a Mobile Electronic Identity Number (“MEIN”), a Mobile Identification Number (“MIN”), a Subscriber Identity Module (“SIM”), a Mobile Subscriber Integrated Services Digital Network Number (“MSISDN”), an International Mobile Subscriber Identifier (“IMSI”), or an International Mobile Equipment Identity (“IMEI”). The types of identifiers assigned to a given cellular device are dependent on the device and the cellular network on which it operates.

14. Based on my training and experience, I know that cellular providers, such as WIRELESS PROVIDERS, routinely and in their regular course of business maintain historical records that allow them to determine which wireless devices used cellular towers on the cellular provider’s network to send or receive communications. For each communication sent or received via the wireless provider’s network, these records may include: (1) the telephone call number and unique identifiers of the wireless device that connected to the provider’s cellular tower and sent or received the communication (“the locally served wireless device”); (2) the cellular tower(s) on the provider’s network, as well as the “sector” (*i.e.*, face of the tower), to which the locally served wireless device connected when sending or receiving the communication; and (3) the date, time, and duration of the communication. These records may also include the source and destination telephone numbers associated with the communication (including the number of the telephone that

was called or that called the locally served wireless device) and the type of communication (e.g., phone call or SMS text message) that was transmitted.

15. Based on my training and experience, I know that cellular providers, such as WIRELESS PROVIDERS, have the ability to query their historical records to determine which cellular device(s) connected to a particular cellular tower during a given period of time and to produce the information described above. I also know that cellular providers have the ability to determine which cellular tower(s) provided coverage to a given location at a particular time.

16. Based on my training and experience and the above facts, information obtained from cellular service providers such as WIRELESS PROVIDERS that reveals which devices used a particular cell tower (and, where applicable, sector) to engage in particular communications can be used to show that such devices were in the general vicinity of the cell tower at the time the communication occurred. Thus, the records described in Attachment A will identify the cellular devices that were in the vicinity of the incident locations at the time the crimes occurred. This information, in turn, will assist law enforcement in determining which person(s) were present at one or more of the incident locations.

AUTHORIZATION REQUEST

17. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c).

18. I further request that the Court direct the WIRELESS PROVIDERS to disclose to the government any information described in Attachment B that is within its possession, custody, or control. Because the warrant will be served on the WIRELESS PROVIDERS, who will then compile the requested records, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

ATTACHMENT A

Property to Be Searched

This warrant applies to records and information associated with the cellular antenna towers (“cell towers”) on the identified date(s) and timeframe(s), that are within the possession, custody, or control of the cellular service provider(s) identified below. The search should include all cell towers that service the below locations.*

<u>Location</u>	<u>Dates & Time (All Times in Central Time Zone)</u>
1408 South 79 th Street West Allis, WI	March 7, 2021 at 5:00 PM – March 7, 2021 at 8:00 PM
1408 South 79 th Street West Allis, WI	March 7, 2021 at 10:00 PM – March 8, 2021 at 9:58 AM
1408 South 79 th Street West Allis, WI	March 16, 2021 at 10:30 PM – March 17, 2021 at 8:30 AM
8726 West Mitchell Street West Allis, WI	October 28, 2021 at 9:00 PM – October 29, 2021 at 7:00 AM
8722 West Mitchell Street West Allis, WI	February 3, 2022 at 9:30 PM – February 4, 2022 at 7:00 AM
8722 West Mitchell Street West Allis, WI	February 22, 2022 at 6:00 PM – February 23, 2022 at 7:00 PM

****If a provider is unable to determine which towers provide service than a search distance of 1.0 miles should be applied.***

The following cellular service provider(s) are required to disclose information to the United States pursuant to this warrant:

- a. T-Mobile, a cellular service provider headquartered at 4 Sylvan Way, Parsippany, NJ;
- b. Verizon Wireless, a cellular service provider headquartered at 180 Washington Valley Road, Bedminster, NJ;
- c. AT&T, a cellular service provider headquartered at 11760 US Highway 1, Suite 600, North Palm Beach, FL;
- d. US Cellular, a cellular service provider headquartered at 8410 West Bryn Mawr Avenue, Suite 800, Chicago, IL; and
- e. Sprint, a cellular service provider headquartered at 6480 Sprint Parkway, Overland Park, KS.

ATTACHMENT B

Particular Things to be Seized

I. Information to be Disclosed by the Provider

For each cell tower in described in Attachment A, the cellular service providers identified in Attachment A are required to disclose to the United States records and other information (not including the contents of communications) about all communications made using the cellular tower(s) identified in Attachment A during the corresponding timeframe(s) listed in Attachment A, including records that identify:

- a. the telephone number and unique identifiers for each wireless that communicated with the cell towers, including Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identifiers (“IMSI”), and International Mobile Equipment Identities (“IMEI”);
- b. for each communication, the “sector(s)” (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device;
- c. the date, time, and duration of each communication;
- d. the type of the communication transmitted through the tower (such as phone call or text message); and
- e. per call measurement and timing advance data (PCMD, RTT, True Call, NELOS, or similar).

These records should include records about communications that were initiated before or terminated after the timeframe(s) identified in Attachment A if some part of the communication occurred during the relevant timeframe(s) listed in Attachment A.

II. Information to be Seized by the Government

All information described above in Section I that constitutes evidence of violations of Title 42, United States Code, Section 3631 (interference with housing rights) from March 1, 2021 to February 28, 2022.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate the things particularly described in this Warrant.